



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Attorney Docket No. 033229-0324**

Applicant: Steven F. FABIJANSKI *et al.*  
Title: MOLECULAR METHODS OF HYBRID SEED PRODUCTION  
Application No.: 08/484,838  
Filing Date: June 7, 1995  
Examiner: David T. Fox  
Art Unit: 1638

**TERMINAL DISCLAIMER**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Your Petitioner, PIONEER HI-BRED INTERNATIONAL, INC., having its principal place of business at Darwin Building, 7100 N.W., 62<sup>nd</sup> Avenue, Johnston, Iowa 50131, hereinafter represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 08/484,838, filed June 7, 1995, which is a divisional of U.S. Patent Application Serial No. 08/276,510, filed July 14, 1994, which is a continuation of U.S. Patent Application Serial No. 07/556,917, filed July 20, 1990, which, in turn, is a continuation-in-part of PCT/CA90/00037, filed February 2, 1990, which is a continuation-in-part of U.S. Patent Application Serial No. 07/306,438, filed February 3, 1989 (now abandoned), which, in turn, is a continuation-in-part of U.S. Patent Application Serial No. 07/151,906, filed February 3, 1988 (now abandoned), as evidenced by the Assignment filed and recorded at the United States Patent and Trademark Office on August 25, 1995, at Reel No. 7671, Frame No. 0749, a copy of which is attached hereto as APPENDIX A.

Further, your Petitioner represents that it is the owner of U.S. Patent Application Serial No. 08/359,938, filed December 20, 1994, which is a continuation of U.S. Patent Application Serial No. 07/730,899, filed September 30, 1991, which is a continuation-in-part of U.S. Patent Application Serial No. 07/306,435, filed February 6, 1989 (now abandoned), which, in turn, is a continuation-in-part of U.S. Patent Application Serial No. 07/151,906, filed February 3, 1988 (now abandoned), by virtue of an Assignment filed

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and recorded at the United States Patent and Trademark Office on December 13, 1993, at Reel No. 6801, Frame No. 0330, attached hereto as APPENDIX B.

Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,013,859 (U.S. Patent Application Serial No. 08/476,864), filed June 7, 1995, which is a continuation of U.S. Patent Application Serial No. 08/276,510, filed July 14, 1994, which is a continuation of U.S. Patent Application Serial No. 07/556,917, filed July 20, 1990 (now abandoned), which is a which is a continuation-in-part of U.S. Patent Application Serial No. 07/306,438, filed February 3, 1989 (now abandoned), which, in turn, is a continuation-in-part of U.S. Patent Application Serial No. 07/151,906, filed February 3, 1988 (now abandoned), by virtue of an Assignment filed and recorded at the United States Patent and Trademark Office on September 18, 1995, at Reel No. 7680, Frame No. 0668, attached hereto as APPENDIX C.

Your Petitioner, PIONEER HI-BRED INTERNATIONAL, INC., hereby disclaims the terminal part of the term of any patent granted on the above-identified application, which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent No. 6,013,859 and of any patent granted on U.S. Patent Application Serial No. 08/359,938, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for, and during such period that the legal title to any patent granted on the above-identified application shall be the same as the legal title to U.S. Patent No. 6,013,859 and of any patent granted on U.S. Patent Application Serial No. 08/359,938, this agreement to run with any patent granted on the above-identified application, and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above-identified application, prior to the full statutory term of U.S. Patent No. 6,013,859 and of any patent granted on U.S. Patent Application Serial No. 08/359,938, as defined in 35 U.S.C. §154-156 and 173, in the event that U.S. Patent No. 6,013,859 and of any patent granted on U.S. Patent Application Serial No. 08/359,938 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 U.S.C. §154, prior to the full statutory term of U.S. Patent No. 6,013,859 and of any patent granted on U.S. Patent Application Serial No. 08/359,938, as defined in 35

U.S.C. §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of the above-identified application that would extend beyond the present termination of U.S. Patent No. 6,013,859 and of any patent granted on U.S. Patent Application Serial No. 08/359,938, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted of the above-identified application to the extent provided by law.

The undersigned, being the Attorney of Record for the above-identified patent application, and duly authorized to act on behalf of the Petitioner, certifies that he has reviewed the Assignments attached as APPENDICES A, B, and C, and to the best of his knowledge and belief, legal title to the above-identified patent application and U.S. Patent No. 6,013,859 and of any patent granted on U.S. Patent Application Serial No. 08/359,938 rests with Petitioner, PIONEER HI-BRED INTERNATIONAL, INC. The undersigned declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

The Terminal Disclaimer fee of \$110.00 is submitted herewith. Should any other fees be applicable, please charge to Deposit Account No. 19-0741.

Respectfully submitted,

Date 15 August 2003

By S. A. Bent

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